

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

TROY L. SOUTHWARD,

Plaintiff,

V.

**DOUGLAS COUNTY DEPARTMENT
OF CORRECTIONS,**

Defendant.

Case No. 8:07CV238

MEMORANDUM AND ORDER

This matter is before the court on its own motion. Pursuant to the Prison Litigation Reform Act ("PLRA"), an imprisoned civil plaintiff must pay the court's entire filing fee, either at the outset when filing the complaint, or in installments if the court grants leave to proceed in forma pauperis ("IFP"). In this case, Plaintiff was granted leave to proceed IFP on September 11, 2007, and the court assessed an initial partial filing fee in the amount of \$33.10 to be paid by October 11, 2007. (Filing 9.) The court entered a second order on September 11, 2007, which provided that Plaintiff, who apparently has been released from custody, could file a new Application for Leave to Proceed IFP by October 11, 2007, which, if granted, would relieve Plaintiff of any remaining liability for the filing fee. The October 11th deadline has now passed and Plaintiff has failed to pay the initial partial filing fee or to file a new Application for Leave to Proceed IFP.

Therefore, Plaintiff shall show cause why this case should not be dismissed. Absent a sufficient response, the case will be subject to dismissal, without prejudice, for lack of prosecution in light of the failure to pay the initial partial filing fee by the court-ordered deadline. See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."

IT IS ORDERED:

1. By **November 28, 2007**, Plaintiff shall file a document entitled “Response to Order to Show Cause”, explaining any reason Plaintiff may have why the above-entitled case should not be dismissed without prejudice for lack of prosecution;

2. That in the absence of cause shown by the deadline stated above, this case will be subject, without further notice, to dismissal without prejudice.

3. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: "November 28, 2007: show cause deadline for failure to pay initial filing fee".

DATED this 29th day of October, 2007.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge